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Yale Law School

Department of Children and Families Central Office
505 Hudson Street
Hartford, CT 06106

April 5, 2021

Dear Department of Children and Families,

This FOIA request is submitted on behalf of Alicia Solow-Niederman, a Visiting Fellow with the Information Society Project at Yale Law School. In accordance with the Freedom of Information Act, Conn. Gen. Stat. §§1-200 et seq., we request copies of the following records pertaining to DCF's use of algorithms in regard to the identification of at-risk children.

Definitions

For the purposes of this request, the following terms shall have the following meanings:

“Algorithm” means a specific sequence of instructions, rules, or order of operations used to cause a technical tool or system to execute a set of actions, whether or not it is subject to human input in executing that set of actions.

“Automated decision-making system” means any algorithm that uses data-based analytics to make or support decisions, judgments, or conclusions, including but not limited to one incorporating machine learning or other artificial intelligence techniques.

“Predictive analytics” has the same meaning as used in the “Eckerd Rapid Safety Feedback (ERSF)” section of the Child and Family Services Plan 2020-2024.¹

“Disparate impact” means any impact, including but not limited to distributional or equitable impact, that disproportionately affects individuals based upon their race, national origin, ethnicity, sex, gender identity, sexual orientation, religion, or socioeconomic status.

“Risk Analysis Product” means software or services that provide predictive analytics or automated decision-making tools that are intended to identify or assess at-risk children.

Documents Requested

1. All documents relating to the procurement of the Rapid Safety Feedback model, Careline, or any other Risk Analysis Product, including but not limited to any Requests For Proposals.

¹ <https://portal.ct.gov/-/media/DCF/DataConnect/CFSP/Connecticut-CFSP-2020-2024-FINAL.pdf?la=en>



2. All agreements between the Department and Eckerd Connects or MindShare Technology, whether currently in force or not.
3. To the extent not responsive to Item 2, all agreements between the Department and any other entity or entities for the acquisition of a Risk Analysis Product.
4. All documents describing the Department's use of the Rapid Safety Feedback model.
5. All documents describing the Department's use of any other Risk Analysis Product, including but not limited to use for purposes of the Department's Careline hotline.
6. Documents sufficient to disclose each category of data collected or used in connection with the Rapid Safety Feedback model, Careline, or any other Risk Analysis Product.
7. The source code of the Rapid Safety Feedback model, Careline, or any other Risk Analysis Product.
8. All documents evaluating the predictive accuracy of child welfare outcomes resulting from the use of the Rapid Safety Feedback model, Careline, or any other Risk Analysis Product.
9. All documents assessing the relative improvement and/or decline in assessment of child welfare outcomes under the Department's use of the Rapid Safety Feedback model, Careline, or any other Risk Analysis Product.
10. All documents describing any of the following about the Department's use of the Rapid Safety Feedback model, Careline, or any other Risk Analysis Product: a. the Risk Analysis Product's benefits, effectiveness, or successes; b. risks, limitations, flaws, or failures in the Risk Analysis Product; c. disparate impact potentially or actually caused by the Risk Analysis Product; or d. the Risk Analysis Product's error rates.
11. All training materials, including but not limited to manuals or handbooks, pertaining to the use or implementation of the Rapid Safety Feedback model, Careline, or any other Risk Analysis Product.
12. All correspondence between the Department and its vendors referring to the purchase, implementation, or use of the Rapid Safety Feedback model, Careline, or any other Risk Analysis Product.

Because FOIA governs information recorded "by any . . . method," Conn. Gen. Stat. § 1-200(5), your search for records should include electronic as well as tangible sources, that is, all records or communications preserved in electronic or written form, including but not limited to correspondence, interoffice memoranda, intraoffice memoranda, documents, data, videotapes, audio tapes, mails, faxes, files, guidance, guidelines, evaluations, databases, instructions, analyses, memoranda, agreements, notes, order, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training manuals, or studies.



We have addressed this request to you in the belief that you are the custodian of such records. If you are not, please forward this request to the proper custodian of such documents and inform us of who the proper custodian is.

We request a waiver of any fees for searching or copying these records because disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of Connecticut's use of predictive analytics or automated decision making in child protective services, and this information is not being sought for commercial purposes. If you do not grant a waiver, please inform us if the fees will exceed \$100, before incurring them.

The Connecticut Freedom of Information Act requires a response within four business days. If access to the records we are requesting will take longer, please let us know when we can expect to receive copies or be permitted to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law. If an otherwise public record has a portion that is exempt from disclosure, you should redact the exempt portion and release a copy of the rest of the record together with a notation identifying the specific exemption that you believe applies to the portion withheld. If you have questions about this request, please feel free to contact us.

If any requested record no longer exists, we request a copy of the destruction order. Further, under Records Retention Schedule #16-7-1R (which states that "records subject to pending or active Freedom of Information Act (FOIA) requests . . . may not be destroyed"), if any record is subject to destruction but has not yet been destroyed, it may not be destroyed upon receipt of this FOIA request.

Thank you for your attention to our request. Given the current disruptions due to COVID-19, we would appreciate if your responses were sent to david.schulz@ylsclinics.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Schulz", is written over the printed name.

David Schulz

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